

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

IN RE:

Gregory's Barbershop of Delmar, LLC

Chapter 7
Case No. 10-10324

Debtors.

ORDER

Upon the Order Shortening Notice Shortening Notice Period and Prescribing Notice Required for Hearing on the Notice of Motion and Motion for an Order Approving the Sale of the Trustee's Interest in Non-Exempt Personal Pursuant to 11 U.S.C. §363 or, alternatively, Abandonment of personal property Pursuant to 11 U.S.C. §554 filed by Michael J. O'Connor, Esq., as Chapter 7 Trustee and a hearing having been held February 11, 2010 at 8:30a.m., and written opposition being filed by William Schiller, Esq., on behalf of First Niagara Bank, and appearances having been made by Michael J. O'Connor, Esq. Chapter 7 Trustee, William Schiller, Esq., appearing on behalf of First Niagara Bank, and Diane Cagino, Esq., appearing on behalf of the United States Government, Robert J. Rock, Esq., appearing on behalf of th Debtor, and Patrick

Greene, Esq., appearing on behalf of Nikki Zorian the perspective buyer to purchase the assets of the Debtor, Kevin Purcell, Esq., appearing on behalf of the United States Trustee's Office, and Dominico Albanese another prospective buyer to purchase the assets of the Debtor. The Chapter 7 Trustee having received a \$5,000.00 from the perspective purchaser Nikki Zorian and having accepted an offer of \$10,000.00 from Nikki Zorian for the sale of non-exempt assets including good will, tangible and intangible assets, web site, and phone numbers. The second highest bid, in the amount of \$9,500.00, was received from Dominico Albanese, and upon the request of the Chapter 7 Trustee.

First Niagara Bank appearing by William Schiller, Esq., having filed opposition to the sale claiming a security interest for personal property ~~presently in possession of the Debtor, and~~ ~~the Chapter 7 Trustee having raised objections concerning the perfection of First Niagara Bank's security interest.~~ The Chapter 7 Trustee having raised objections concerning the perfection of First Niagara Bank's security interest. The Chapter 7 Trustee requests permission to sell the assets free and clear of all liens and liens attaching to the proceeds pursuant to 11 U.S.C. § 363(f)(4); it is hereby

~~ORDERED, Notwithstanding, that the objection made by William Schiller, Esq., appearing on behalf of First Niagara Bank the sale shall be approved pursuant to 11 U.S.C. § 363(f)(4) in the accordingly, by separate Order, this Court shall issue a briefing schedule to address the alleged security interest of First Niagara Bank; it is hereby~~

ORDERED, that the sale of the non-exempt assets including good will, tangible and intangible assets, web site, and phone numbers shall be sold to Nikki Zorian for the sum of \$10,000.00. These funds shall be by bank funds or funds acceptable to the Chapter 7 Trustee; and it is further

ORDERED, that the subject sale shall be free and clear of all liens and encumbrances with any such liens and encumbrances attaching to the proceeds of sale; and it is further

ORDERED, unless the Chapter 7 Trustee receives certified funds or funds acceptable to the Chapter 7 Trustee, in the amount of \$10,000.00 from Nikki Zorian, by 5:30 p.m. on February 11, 2010 at the Chapter 7 Trustee's office, the second highest bid in the sum of \$9,500.00, from Dominico Albanese shall be accepted and payment must be made by 12:00p.m., on February 12, 2010, by bank funds or funds acceptable to the Chapter 7 Trustee at his office.

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FEB 11 2010

SO ORDERED


Chief U.S. Bankruptcy Judge